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TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 400—FEDERAL CROP INSURANCE CORPORATION

DISCONTINUANCE OF CODIFICATION

In order to conform to Chapter IV of Title 7 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the codification of Part 400 is hereby discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

Approved: November 26, 1948.

[SEAL] G. F. GEISSLER,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 48-10765; Filed, Dec. 9, 1948; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 8]

PART 43—GENERAL OPERATION RULES

AIRCRAFT IDENTIFICATION MARKS AND AIRCRAFT AIRWORTHINESS CLASSIFICATION MARKS

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 43.102 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe the manner in which identification marks and airworthiness classification designations shall be displayed on aircraft.

Acting pursuant to the foregoing statute and regulation, and in accordance with sections 3 and 4 [1] of the Administrative Procedure Act, I hereby adopt the following rules:

§ 43.102 *Identification marks.* * * *

(CAA Rules)

IDENTIFICATION MARKS AND AIRWORTHINESS CLASSIFICATION MARKS

1. *Identification marks*—(a) *Composition.* On each aircraft, identification marks shall be displayed. They shall consist of the roman capital letter "N" denoting United States registry, followed by Arabic registration numbers, followed in some instances by an additional roman capital letter.

(b) *Location.* (1) On each fixed-wing aircraft, identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. So far as possible, the marks shall be located equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

On each fixed-wing aircraft, identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single-tail surface, and on the outer sides of a multi-tail surface. They may be placed either horizontally or vertically.

On each fixed-wing aircraft, identification marks shall be displayed on the fuselage when the aircraft, as a result of design, does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(2) On each rotorcraft, identification marks shall be displayed on the botom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

On each rotorcraft, identification marks shall be displayed below the window lines and as near the cockpit as possible.

(3) On each airship, identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

[1] In 13 F. R. 6300, notice of intention to adopt these rules was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

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FEDERAL REGISTER

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On each airship, identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(4) On each spherical balloon, identification marks shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(5) On each non-spherical balloon, identification marks shall be displayed on each side. They shall be located near the maximum cross-section of the balloon, immediately above either the rigging band, or the points of attachment of the basket or cabin suspension cables.

(c) *Height.* (1) On each fixed-wing aircraft, wing identification marks shall be at least 20 inches high.

On each fixed-wing aircraft, vertical tail surface or fuselage identification marks shall be at least 2 inches high, but need not be more than 6 inches high.

(2) On each rotorcraft, fuselage bottom surface or cabin bottom surface identification marks shall be at least ⅓ as high as the

fuselage is wide, but need not be more than 20 inches high.

On each rotorcraft, fuselage side identification marks shall be not less than 2 inches high, but need not be more than 6 inches high.

(3) On each airship, spherical balloon, or nonspherical balloon, identification marks shall be at least 20 inches high.

(d) *Width.* On each aircraft, identification marks, with the following exception, shall be at least ⅔ as wide as they are high. Number "1" shall be ⅙ as wide as it is high.

On each aircraft, lines forming the identification marks shall be ⅙ as wide as they are high.

(e) *Spacing.* On each aircraft, the space between identification marks shall be not less than ⅙ as wide as the marks are high.

(f) *Color.* On each aircraft, identification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

(h) *Formation.* On each aircraft, identification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, identification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

2. *Airworthiness classification marks*—(a) *Composition.* (1) On each aircraft for which a limited certificate of airworthiness has been issued, the mark "Limited" shall be displayed.

(2) On each aircraft for which a restricted airworthiness certificate has been issued, the mark "Restricted" shall be displayed.

(3) On each aircraft for which an experimental airworthiness certificate has been issued, the mark "Experimental" shall be displayed.

On each aircraft for which a standard certificate of airworthiness has been issued, and which has been altered by the installation of components for temporary experimental purposes so as not to adversely affect the aircraft design or flight characteristics, the mark "Experimental" shall be displayed.

(b) *Location.* On each aircraft, required airworthiness classification marks shall be placed on the fuselage at each cabin entrance and cockpit entrance so as to be readily visible to passengers and crew entering the aircraft. In cases where only one entrance for passengers and crew is used, and persons may enter the aircraft from either side of the fuselage, such as an aircraft with a sliding canopy, the marks shall be displayed on both sides of the fuselage.

(c) *Height.* On each aircraft, required airworthiness classification marks shall be at least 2 inches high, but need not be more than 6 inches high.

(d) *Width.* On each aircraft, required airworthiness classification marks shall be ⅔ as wide as they are high.

On each aircraft, lines forming required airworthiness classification marks shall be ⅙ as wide as they are high.

(e) *Spacing.* On each aircraft, the space between required airworthiness classification marks shall be not less than ⅙ as wide as the marks are high.

(f) *Color.* On each aircraft, required airworthiness classification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, required airworthiness classification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

On each aircraft for which a standard airworthiness certificate has been issued, and for which an experimental certificate of airworthiness has been subsequently issued to permit temporary experiments, the "experimental" marks may be applied free-hand with water paint or masking tape, or by any other method which will allow the marks to be removed easily at the termination of the experiments.

(h) *Formation.* On each aircraft, required airworthiness classification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, required airworthiness classification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, required airworthiness classification marks shall be kept clean and legible.

These rules shall become effective on January 1, 1949, with respect to aircraft thereafter registered for the first time, and on January 1, 1951, with respect to all aircraft.

(Sec. 601, 52 Stat. 1007, Pub. Law 872, 80th Cong.; 49 U. S. C. 551; Reorg. Plan No. IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2421)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-10744; Filed, Dec. 9, 1948; 8:46 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

GEOLOGIST

Correction

In Federal Register Document 48-10599 appearing at page 7427 of the issue for Tuesday, December 7, 1948, in the first line of the first amendatory paragraph, the reference to § 24.37 should read "§ 24.47".

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Production and Marketing Administration (Diversion Programs)

PART 507—CITRUS FRUIT EXPORT PROGRAM

TERMS AND CONDITIONS OF CITRUS FRUIT EXPORT PROGRAM

Correction

In Federal Register Document 48-10534 appearing at page 7379 of the issue for Friday, December 3, 1948, the following changes should be made:

1. The fourth line of § 507.7 should read, "announcement of such amendment or".

2. In § 507.9 (e) the word "publications" should read "publication".

TITLE 15—COMMERCE

Chapter I—Bureau of the Census

PART 30—FOREIGN TRADE STATISTICS

Because of the numerous amendments which have been made in Part 30 of Chapter I of Title 15, the entire part is reprinted for convenient reference in this issue of the FEDERAL REGISTER. All amendments which have been made since June 1, 1938, the effective date of the original codification, and which are currently effective, have been incorporated in this reprint. There are no changes in substance. This reprint was prepared by the Division of the Federal Register with the concurrence of the Director, Bureau of the Census, who has examined the contents for completeness and accuracy.

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30.47 Personal effects and contents of diplomatic pouches.
30.48 Semi-weekly reports of vessel entrances and clearances.
30.49 Export declarations; articles placed aboard vessels for the care and feeding of livestock en route to destination.

AUTHORITY: §§ 30.1 to 30.49 issued under R. S. 335, 336, 337, sec. 1, 18 Stat. 352, sec 1, 27 Stat. 197, 32 Stat. 172, sec. 4, 5, 32 Stat. 826, 827, sec. 7, 44 Stat. 572, sec. 1, 52 Stat. 8; 5 U. S. C. 22, 601, 15 U. S. C. 173, 174, 175, 176, 176a, 177, 178, 46 U. S. C. 95, 49 U. S. C. 177 (c).

GENERAL PROVISIONS

§ 30.1 *Compilation and publication.* (a) Statistics of United States imports and exports are collected, tabulated, and published by the Bureau of the Census of the Department of Commerce from data supplied by Collectors of Customs as hereinafter provided. Correspondence relating to the collection, tabulation, and publication of such data on the foreign trade of the United States should be addressed to the Foreign Trade Division, Bureau of the Census, Washington 25, D. C. Correspondence relating to analyses of United States foreign trade should be addressed to the Bureau of Foreign and Domestic Commerce, Washington 25, D. C.

(b) Inquiries relating to statistical requirements of import entries and export declarations, and the procedure of coding and forwarding these documents, should be addressed to the Customs Statistics Section, Department of Commerce, at New York.[1]

§ 30.2 *Accounts, what to show.* (a) The accounts of the commerce of the United States with foreign countries (or its noncontiguous territory) shall comprehend and include, in tabular form, the quantity, by weight or measure, as well as the value of the various articles of foreign commerce.

(b) Articles sent out of the country temporarily, such as automobiles for touring purposes, commercial samples, circuses, race horses, and other articles intended to be returned to the United States, which are not sold and do not enter the trade of the country to which sent, should not be included in the statistics as exports when shipped abroad, nor as imports when returned to the United States.

§ 30.3 *Statistical reports furnished to collectors.* (a) The Bureau of the Census will supply each collector monthly with reports of imports into his district in the form of machine tabulations showing the entry number for each item imported with district, port, commodity, country, etc., being in code numbers. Information contained in these reports shall be for the collector's use only and shall not be disclosed to the public.

(b) In addition, the Bureau of the Census will supply each collector monthly with summary statistical reports of the imports into and exports from his district in the form of machine tabulations by commodities and countries, with the district, commodity, and country being in code numbers. Information on these reports which are to be filed by collectors may be made available to the public upon request.

§ 30.4 *Statistics furnished by collectors.* Except during a period in which the United States is at war, trade papers, trade organizations, commercial concerns, and individuals may be furnished with statistical information regarding imports by customs districts as shown in the monthly statistical reports supplied to collectors by the Customs Statistics Section at New York. In no case shall any information be furnished in such manner as to disclose individual transactions or names of importers or exporters.

§ 30.5 *Confidential information.* (a) The contents of the statistical copies of the import entries and withdrawals must be treated as confidential and may not be used for other than statistical purposes. (b) The contents of all copies of the export declarations must be treated as confidential and may not be disclosed to others than the parties in interest by employees of the Customs Service, the Department of Commerce, and other United States Government Agencies without the written consent of the Secretary of Commerce.

§ 30.6 *Statistical information required in entries.* (a) The kinds, quantities, and values of all imported articles shall be ascertained from the entries. Collectors of customs shall require entries of imported merchandise to contain the information required in Schedule A[2] statistical classification of imports, as prescribed by the Secretary of the Treasury, the Secretary of Commerce, and the chairman of the United States Tariff Commission. Tons, where required, should be long tons of 2,240 pounds as construed in section 2951, Revised Statutes (19 U. S. C. 420), unless short tons are specified.

(b) The values of imported merchandise will be returned in the statistical reports in accordance with the dutiable values as defined in section 402 of the Tariff Act.[3] The value of the containers or coverings and other charges or expenses incident to placing the merchandise in condition packed ready for shipment to the United States, should be included in the statistical value of merchandise, whether the merchandise is dutiable or free of duty.

(c) For satistical purposes nondutiable charges should be deducted in entries from total invoice values for imported merchandise free of duty, as well as for merchandise subject to duty at specific or ad valorem rates.

§ 30.7 *Shipper's export declarations.* (a) The kinds, quantities, and values of articles exported to foreign countries, or shipped between the United States and its territories and possessions, except Alaska and Hawaii, shall be compiled from the shipper's export declaration furnished by the shipper or his agent to the collector of customs at the port of exportation.

(b) The shipper's export declaration must be prepared by the shipper, owner, or consignor, or his properly authorized agent. If the shipper's export declaration is prepared by an agent of the shipper, his authority to sign such declaration must be in the form of a properly executed power of attorney, signed by the owner, shipper or consignor, or in a less formal written authorization such as that printed on the shipper's export declaration. The production of a power of attorney or authorization may be waived if the collector has personal knowledge that the person signing the declaration is authorized or is held out to the public by the shipper as his agent. In every event the data required in the shipper's export declaration must be correct and be based on personal knowledge of the facts stated, or on invoices or information furnished by the principal.

(c) The original shipper's export declarations for shipments by vessel to foreign ports must be verified by oath before a notary public, customs officer, or other person authorized to administer oaths. The oath is not required on Shipper's Export Declarations covering shipments made between the United States and its territories and possessions. The oath is also not required on Shipper's Export Declarations covering shipments made by rail, vehicle, ferry or aircraft.

(d) Certificates of inspection by the Department of Agriculture for exports of cheese, oleomargarine, butter, meats, and other food products must be presented to the collector as required by the regulations of the Department of Agriculture.

(e) Shipper's export declarations may be purchased for a nominal price from Collectors of Customs, Department of Commerce Field Offices, and the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Declarations may be printed by private parties provided they conform strictly to the official form in size, wording, color and arrangement, including the instructions printed on the reverse side and also the Budget Bureau Approval Number printed in the upper right-hand corner on the face of the form.

(f) Commerce Form 7525–V (Shipper's Export Declaration) (yellow) is prescribed for use in declaring United States exports of domestic and foreign merchandise not provided for in paragraphs (g) and (h) of this section.

(g) Commerce Form 7525 DA–V (Defense Aid Shipper's Export Declaration) (white) is prescribed for use in declaring United States exports of domestic and foreign merchandise shipped:

(1) Under the Lend-Lease Program.

(2) Under the U. N. R. R. A. Program.

[1] Room 434 Customhouse, New York 4, N. Y.

[2] Schedule A can be obtained at a nominal cost from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., or from Collectors of Customs.

[3] Tariff Act of 1930 (46 Stat. 590; 19 U. S. C. 1001–1654).

(3) Under the program covering relief assistance to the people of countries devastated by war.

(4) Under the program to provide for assistance to Greece and Turkey.

(h) Commerce Form 7513 (Shipper's Export Declaration for In-Transit Goods) (pink) is prescribed for use in reporting in-transit shipments as defined in §§ 30.29 and 30.37. Commerce Form 7513 should also be used for in-transit shipments of merchandise made under programs enumerated in paragraph (g) of this section.

CROSS REFERENCE: For Foreign Commerce Statistical Decision 58 with respect to materials placed aboard vessels for care and feeding of livestock en route to destination, see § 30.49 *infra*.

§ 30.8 *Separation of domestic and foreign merchandise.* (a) The export declaration must show foreign goods separately from goods of domestic production. Only those goods will be reported as foreign which have undergone no change in form or condition or enhancement in value by the application of labor in the United States. Articles made from foreign materials or changed from the conditions in which imported by repacking, grinding, refining, or smelting will be classed as of domestic production or manufacture.

(b) Articles exported which are the growth, produce, or manufacture of the United States and articles of foreign origin which have been changed in form and enhanced in value by labor or manufacture in the United States are to be classified in accordance with Schedule B,[4] statistical classification of domestic commodities exported from the United States, issued by the Department of Commerce.

(c) Articles exported which had been previously imported, and which are the growth, produce, or manufacture of foreign countries, and are exported in the same condition in which imported, will be classified in accordance with the Department of Commerce statistical classification of foreign merchandise exported from the United States.[5]

§ 30.9 *Values of exports.* (a) Articles exported to foreign countries or shipped to noncontiguous territory shall be valued at their actual cost or the values which they may truly bear at the time of exportation or shipment in the ports of the United States from which they are exported or shipped, including the value of cartons, cases, crates, boxes, sacks, and coverings of any kind.

(b) The value stated should be the actual cost or selling price, if the goods are sold, including actual or estimated inland freight charges from the interior place of shipment to the seaport or border point of exportation. If shipped on consignment without a sale having been made, the market value at the time of exportation in the ports of the United States from which exported should be stated.

[4] Schedule B can be obtained at a nominal cost from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., or from Collectors of Customs.

[5] This information is contained in Schedule B. See footnote 4 above.

(c) Freight and other charges from the port of departure in the United States to the place of destination in the foreign country or noncontiguous territory to which shipped must not be included in the export value.

§ 30.10 *Classification of countries.* (a) In the statistical reports of imports, exports, and vessels entered and cleared the foreign countries will be classified in accordance with Schedule C[6] of the Department of Commerce.

(b) The country to which imports shall be credited for statistical purposes is the country of origin. In cases in which the merchandise is invoiced in or exported from a country other than the country of origin, care should be taken to insure that the country of origin is correctly specified.

(c) Entries for immediate consumption or for warehouse, and withdrawal from warehouse for consumption, shall clearly specify the country of origin of the imported articles as well as the nationality and motive power of the vessel from which the imported articles were landed in the United States or in Canada or Mexico if shipped through either of these countries.

§ 30.11 *Country of destination of exports; port and country of unlading of exports.* (a) The place (city) and country of ultimate destination must be shown on the Shipper's Export Declaration. If the country of ultimate destination of the commodities exported is different from that for which the vessel or car clears or departs, collectors will require exporters and shippers or their agents to state in the Shipper's Export Declaration as the country of ultimate destination, the country to which the commodities are sold or destined for market. Special care should be taken to state the final destination of goods shipped through Canada to Europe and of goods shipped through Chile or Peru destined for Bolivia.

(b) For shipments by vessel, the foreign port and country of unlading must be shown on the Shipper's Export Declaration in addition to the country of ultimate destination.

§ 30.12 *Fractions in quantities and values.* In the expression of values in export declarations and statistical copies of entries, fractions of a dollar less than 50 cents will be ignored, and fractions of 50 cents or upward will be counted as $1. A like rule will apply to fractions of weight, measure, and tonnage.

§ 30.13 *Dates of importation and exportation.* For statistical purposes the date of entry will be regarded as the date of importation; and the date of clearance, or the date of departure if later, will be regarded as the date of exportation.

§ 30.14 *Description of articles exported.* (a) The description of merchandise in export declarations must be stated in specific and not in general terms. Such designations as "fruits," "provisions," "groceries," "canned goods," "hardware," "machinery," or any other general term must not be used. The articles should be described in sufficient detail to permit of their classification under the proper classes of export Schedule B (see Footnote 4), giving total quantity and value of each article, but omitting invoice details for different marks, sizes, and kinds of the same article.

(b) The number of packages, boxes, barrels, bales, etc., must be specified, with quantities in the unit stated in Schedule B (see Footnote 4), in net weight exclusive of the weight of barrels, boxes, or other bulky coverings and of salt or pickle in the case of salted or pickled fish and meats. Tons, where required, should be given in long tons of 2,240 pounds.

(c) In addition to specifying the quantity in the units required by Schedule B, the gross shipping weight (in pounds) including the weight of all containers, must be stated on the Shipper's Export Declaration, except for shipments leaving the United States by rail, truck, or mail.

§ 30.15 *Errors in entries and export declarations.* (a) Collectors will make a preliminary examination of all import entries and export declarations presented.

(b) If on examination any entries or declarations are found to be inaccurate or incomplete, either in the description of articles, or in omitting to state proper quantities and values, or insertion of the intermediate country instead of the country of final destination, or containing any error apparent on the face of the entry or declaration, the correction thereof will be required before acceptance.

REPORTS TO THE FOREIGN TRADE DIVISION, BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE, AT WASHINGTON

§ 30.16 *Reports, forwarding of.* The reports prescribed by §§ 30.17 to 30.21 will be prepared by Collectors at headquarters ports in accordance with the detailed instructions printed on the blank forms and forwarded to the Foreign Trade Division, Bureau of the Census at Washington, D. C., as early as possible after the close of the month and in no case later than the time specified for the various reports.

§ 30.17 *Imports and exports of gold and silver.* (a) The statistical copy of every entry or export declaration involving gold or silver ore, bullion, coins, etc., shall be transmitted daily by air mail, special delivery, to the Foreign Trade Division, Department of Commerce, Washington, D. C. This shall apply to entries and export declarations covering such commodities as copper, lead, etc., if any gold or silver is included therein.

(b) All entries or export declarations covering gold or silver shall furthermore be mailed to the Foreign Trade Division, Department of Commerce, Washington, D. C., direct by the port where the entry papers or export declarations are filed.

(c) A separate series of identifying numbers covering such entries and export declarations shall be used. These identifying numbers will be placed im-

[6] Schedule C can be obtained upon request from the Foreign Trade Division, Bureau of the Census, Washington 25, D. C.

mediately above the regular entry or export declaration numbers, and will be continued in numerical order.

§ 30.18 *Manufactured articles exported with benefit of drawback on imported materials contained therein.* (a) Such articles will be reported quarterly on Commerce Form 549 (formerly 1115) within 30 days after the close of each quarter. The articles will also be returned as domestic exports from the district of exportation.

(b) The articles exported will be shown, with quantities, classified according to Schedule B (See Footnote 4) of the Department of Commerce, enlarged by the addition of sufficient subclasses to show separately each different kind of article exported, though several may be grouped under the same class number.

(c) For each exported article there will be shown the imported articles contained therein, classified according to Schedule A, (See Footnote 2) showing quantities or values, or both, with rates of duty, sufficient to verify the amount of drawbacks paid.

§ 30.19 *Bunker coal or fuel oil.* (a) Bunker coal or fuel oil laden on vessels cleared for foreign countries will be reported monthly on Commerce Form 563 (formerly 1182), within 15 days after the close of each month.

(b) Collectors will require masters or agents of vessels clearing in the foreign trade to show on the outward foreign vessel manifest the quantities and values of bunker or fuel coal and oil taken on board such vessels for their own fueling use apart from such quantities as may have been laden on the vessel as cargo.

§ 30.20 *Dumping duties.* Collectors will report quarterly dumping duties collected under section 202 of the Antidumping Act, 1921 (42 Stat. 11; 19 U. S. C. 161), showing commodity, country from which imported, and amount of dumping duties.

§ 30.21 *No transactions report.* Whenever there are no transactions in any of the above statements a report to that effect should be rendered within the required time on Commerce Form 550 (formerly 1175).

§ 30.22 *Statistical reports prepared at headquarters ports.* The above statistical returns will be prepared and transmitted at the headquarters ports covering the commerce of the entire district, but the collectors may require that deputy collectors at ports of entry compile monthly reports covering transactions at such ports, to be forwarded to headquarters for consolidation with the district returns.

REPORTS TO THE CUSTOMS STATISTICS SECTION, FOREIGN TRADE DIVISION, BUREAU OF THE CENSUS, AT NEW YORK

§ 30.23 *Imported foods, drugs, etc., subject to inspection.* (a) Statistical copies of entries for imported foods, drugs, insecticides, and fungicides; meat and meat-food products; grain and grass seeds; viruses, serums, and toxins; tea; narcotic drugs, and other special classes of merchandise subject to inspection, examination, or permit by the Department of Agriculture or other Government offices, should not be transmitted to the Customs Statistics Section of the Department of Commerce until the goods are admitted and released to the consignee.

(b) Entries for rejected goods which are exported or destroyed, regarded as "nonimportation" under article 557 (Customs Regulations 1937), should not be transmitted to the Customs Statistics Section; if part of an entry is admitted and part rejected, the rejected portion should be crossed out and clearly indicated on the statistical entry sent to the Customs Statistics Section.

§ 30.24 *Import entries and warehouse withdrawals.* (a) Statistical copies of entries and withdrawals must describe the merchandise in the detail required by the statistical import Schedule A (see Footnote 2) of the Department of Commerce. Collectors will insert the code numbers of district, port, country, and flag in the proper columns and forward the entries to the Customs Statistics Section at New York (see Footnote 1) in accordance with the procedure outlined in the Treasury decisions.

(b) Collectors may insert the code numbers of commodities and units of quantities if they find it convenient to do so while examining entries for compliance with the commodity classification required by Schedule A (see Footnote 2).

(c) Entries for imported raw wool must show the class of wool, whether carpet, clothing, combing, mohair, alpaca, etc.; the condition, greasy, washed, scoured, or pulled; and the quality or grade in English or American standards; 36's to 44's as coarse or low crossbred; 44's/46's to 56's as medium crossbred; 56's to 58's as fine crossbred; and 60's and over as fine.

§ 30.25 *Corrections, amendments or cancellations of import entries or withdrawals and export declarations*—(a) *Import entries or withdrawals.* Changes in classification and changes in quantities or values amounting to $100 made in liquidating entries or withdrawals must be reported to the Customs Statistics Section of the Foreign Trade Division, Bureau of the Census, Customhouse, New York 4, New York, on Customs Form 7401, correction report of import entry or withdrawal. In order to minimize correction reports, Collectors may hold entries until after examination and weighing of the goods, making any changes on the statistical copies forwarded to the New York statistical office, if that practice will not result in great delay in transmitting statistical copies of entries.

(b) *Export declarations.* The Collector of Customs at the port from which merchandise was exported will require the shipper or his agent to prepare and file in duplicate a Shipper's Export Declaration Correction Form (Commerce Form FT 7403) for all corrections, amendments or cancellations of Shipper's Export Declarations (Commerce Forms 7525–V, 7525–DA–V) and In-Transit Shipper's Export Declarations (Commerce Forms 7513, 7513–DA), which are reported after the statistical copies of the declarations have been forwarded to the Customs Statistics Section, Foreign Trade Division, Customhouse, New York 4, New York. Corrections, amendments or cancellations reported while the statistical copies of the declarations are still in the office of the Collector shall be noted directly thereon. Statistical copies of cancelled export declarations shall not be transmitted to the Customs Statistics Section in New York. In particular instances where the Collector of Customs deems a documented record of a change necessary, even though the statistical copy of the declaration is still in his office, the correction form may be required. Exporters may obtain copies of the correction form free of charge from the Collectors of Customs. The provisions of this paragraph relating to the filing of a Shipper's Export Declaration Correction Form (Commerce Form FT 7403) shall not be construed as a relaxation of the requirements of the laws and regulations pertaining to the preparation and filing of Shipper's Export Declarations.

§ 30.26 *Immediate transportation entries returned by port of final destination.* (a) Imported merchandise entered for immediate transportation without appraisement, and merchandise imported through frontier ports in cars secured by customs seals, will be excluded from the return of imports at the port of first arrival, but will be returned as imported at the port where entered for immediate consumption or for warehouse.

(b) The entries of such goods, made at the port of first arrival and the port of final destination, are required to show the country where the articles were invoiced and the nationality and motive power of the vessel in which they were brought to the United States, or to Canada, or Mexico, if the goods reach the United States through those countries.

§ 30.27 *Imports of crude ores or metals.* (a) Imported crude ores or metals entered into bonded smelting warehouses will be reported statistically as imported at the port where entered into the bonded smelting or refining warehouse, in accordance with the instructions of T. D. 39828. Quantities and values of the different metal contents will be obtained from the consular invoice or estimated from previous similar importations in accordance with T. D. 39828.

(b) Consular invoices of gold, silver, copper, lead, tin, and other metals in ore and base bullion are required to show separately the quantities and values of the metals contained therein, in accordance with commodity classifications required by Schedule A. (See Footnote 2.)

§ 30.28 *Coding and forwarding of export declarations.* Shipper's export declarations will be numbered, coded and forwarded to the Customs Statistics Section, Foreign Trade Division, Bureau of the Census, Customhouse, New York, New York, in accordance with instructions issued by the Director of the Bureau of the Census in the form of Foreign Commerce Statistical Decisions. Instructions may also be issued by the Chief of the Foreign Trade Division, Bureau of the Census, in special instances.

§ 30.29 *Shipments in transit through the United States.* (a) Shipper's Export Declarations, on Commerce Form 7525,

are not required for foreign merchandise shipped in transit through the United States from one foreign country to another. In lieu thereof, "Shipper's Export Declaration for In-Transit Goods", on Commerce Form 7513, will be used as provided in 19 CFR 16.31 (a) and (b) (Article 906 (a) and (b), Customs Regulations 1937).

(b) Any Shipper's Export Declarations on Commerce Form 7525 filed by shippers for in-transit goods in addition to Commerce Form 7513 under a misunderstanding of the regulations, should not be forwarded to the Customs Statistics Section, Foreign Trade Division at New York. Collectors should make a careful check of the outward foreign vessel manifest and railroad car manifest for the purpose of detecting such duplication of declarations.

EXPORT PROCEDURE

§ 30.30 *Manifests of vessels; Shipper's Export Declarations; clearance.* (a) Before clearance shall be granted to any vessel bound to a foreign place or noncontiguous territory of the United States, except Alaska and Hawaii, the master shall file a manifest with the Collector of Customs on Customs Form 1374 of all cargo on board his vessel. There shall also be filed with the Collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the place to which ultimately destined. These declarations will be made in duplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a customs officer, notary public, or other authorized person. The oath is not required on Shipper's Export Declarations covering shipments made between the United States and its territories and possessions.

(b) Where the cargo is to be transshipped in another Customs District, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, except Alaska and Hawaii, the Shipper's Export Declarations (Commerce Form 7525) should be filed only with the Collector of Customs at the port where the merchandise is last laden for its final destination.

CROSS REFERENCE: For Shipper's Export Declarations see § 30.7.

(c) The manifest of a vessel bound to a foreign country or to or from noncontiguous territory of the United States, except Alaska and Hawaii, must show the customhouse number of the export declaration for each consignment, also the particulars required by section 4199, Revised Statutes (46 U. S. C. 93), namely, the destination of the vessel, the marks and numbers of the packages, and a description of the articles, contents, quantities, and values: *Provided*, That a notation on the manifest that values are as stated on shippers' declarations, copies of which are attached to such manifest, will be accepted. Any short shipment must be noted on the duplicate export declarations presented with the manifest.

(d) (1) When a new vessel built in the United States for foreign account clears under a certificate of record (Commerce Form 1316), a Shipper's Export Declaration must be furnished by the agents or prepared by the Collector for statistical purposes.

(2) A Shipper's Export Declaration should likewise be furnished for an American vessel sold foreign upon her first departure from the United States unless the vessel is sold while in a foreign port or place or at sea, in which event the export declaration should be filed at the time the sale is made with the Collector at the port from which the vessel last cleared.

NOTE: Treasury Decision 51303, Acting Secretary of the Treasury, Aug. 31, 1945, 10 F. R. 11342, provides in part as follows:

Compliance with the provisions of section 4197 of the Revised Statutes, as amended, and the act of April 29, 1902, as amended (46 U. S. C. 91, 95) is hereby waived, to the extent necessary to permit vessels of the United States Navy when transporting commercial cargo or commercial passengers to depart from ports in the United States for foreign ports or ports in non-contiguous territory of the United States without delivering to the collector of customs of the district from which such vessels are about to depart a manifest of all the cargo on board the vessel and without obtaining from the collector a clearance for the vessel and her cargo.

(e) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.31 *Clearance on incomplete manifest under bond.* Clearance may be granted on incomplete cargo manifest and before all Shipper's Export Declarations have been filed, upon the application to the Collector of Customs on Customs Form 7301 and the execution of the bond printed thereon. The condition of the bond is that a complete outward manifest of all cargo laden on board the vessel, together with all the export declarations covering all cargo, shall be filed with the Collector of Customs not later than the fourth business day (T. D. 51504) after clearance of the vessel. If required by the Collector, pro forma declarations on Customs Form 7303 must be filed enumerating shipments for which declarations are missing.

§ 30.32 *Cargo of vessel laden in different customs districts, how returned.* When a vessel is laden in different customs districts with commodities to be exported to foreign countries, Shippers' Export Declarations must be filed in the respective districts where laden. The collector will report as exports only the merchandise laden in his district.

§ 30.33a *Declarations for exports by railways, ferryboats, and vehicles.* (a) Any person who delivers merchandise to any transportation company for exportation from the United States to a foreign country by rail, ferryboat, or vehicle must deliver to the Collector of Customs at the port through which the merchandise passes into foreign territory export declarations in duplicate on Commerce Form 7525, showing the kinds, quantities, and values of all merchandise delivered by him or his agent to such carrier for exportation.

(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent. However, if declarations for rail shipments to Canada are not delivered to the Collector of Customs prior to departure of such shipments from the United States, immediate exportation may be permitted upon the filing of pro forma declaration therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations not later than 15 calendar days after the date of exportation.

(c) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.33b *Shipments of merchandise by air; exports of aircraft flown from the United States.* (a) Shipper's Export Declarations on Commerce Form 7525 must be filed by the shipper for all merchandise shipped on:

(1) Aircraft clearing from the United States, Alaska, Hawaii and Puerto Rico for foreign countries, the Virgin Islands of the United States and the Canal Zone;

(2) Aircraft clearing from one of the following areas to the other: the mainland of the United States and Puerto Rico; and

(3) Aircraft clearing from the Virgin Islands of the United States to foreign countries and the Canal Zone.

(b) Shipper's export declarations on Commerce Form 7525 must also be filed by the exporter for aircraft being flown from the United States for foreign account in all cases where clearance of aircraft is required.

(c) Shipper's Export Declarations should be filed at the port of lading of the cargo. However, when cargo is laden at a port other than the last port from which the aircraft finally obtains clearance from the United States for its foreign destination, a notation of the fact that export declarations have been filed should be made on the aircraft commander's copy of the outward manifest at the time the cargo is laden. This notation shall serve to inform Collectors of Customs at ports other than the port of lading that export declarations have previously been filed for the cargo.

§ 30.34 *In-transit shipments, Commerce Form 7525 not to be used.* Section 30.33a applies only to merchandise exported by land carriage or ferryboat to or through adjacent foreign territory for a market. Export declarations on Commerce Form 7525 are not to

be filed for shipments from one part of the United States to another part thereof across foreign territory, nor for merchandise passing through the United States in transit from one foreign country to another, or from one portion of a foreign country to another portion thereof, across the territory of the United States.

CROSS REFERENCE: Foreign merchandise shipped in transit through the United States, see § 30.29.

§ 30.35 *In-transit shipments through Canada diverted.* When grain or other commodities shipped from northern border or lake ports by vessel or railroad in transit through Canada to other United States ports are diverted for import into Canada or for export from a Canadian port to foreign countries and collectors at the port of shipment are informed to that effect, they will obtain export declarations on Commerce Form 7525 from the original shippers and forward them to the Customs Statistics Section at New York (see Footnote 1), in order that such diverted shipments may be included in the statistics of exports from the United States.

CROSS REFERENCE: For Shipper's Export Declarations, see § 30.7.

§ 30.36 *Shipments from interior to seaboard.* Declarations for merchandise shipped from an interior point in the United States partly in transit through Canada or Mexico for export from a seaboard port of the United States are not required to be delivered to the collector of customs at the first border port, but the statistics of exports will be secured from shippers' declarations filed at the seaboard port of exportation.

§ 30.37 *Reporting in-transit shipments*—(a) *Foreign merchandise.* (1) Shipped in transit through the United States, (2) transshipped in ports of the United States for foreign countries, (3) exported from General Order Warehouse, (4) rejected and exported, and (5) exported from Foreign Trade Zones will not be reported as importations when received, nor should Shipper's Export Declarations on Commerce Form 7525 be used therefor when shipped out.

(b) Such merchandise will be reported to the Customs Statistics Section, Foreign Trade Division, Bureau of the Census, New York, New York, on Commerce Form 7513, "Shipper's Export Declaration for In-Transit Goods", in accordance with the following instructions:

(1) The aggregate quantity and value of each of the various classes of merchandise must be shown.

(2) The descriptions and quantities of the articles exported shall be stated as prescribed in § 30.14.

(3) The final foreign destination of the merchandise, i. e. the country of ultimate destination must be shown.

(4) The value stated should be the value at the time and place of export, i. e. the selling price or cost, if not sold, including inland freight, insurance and other charges to place of export.

(5) The country of origin must be stated.

(6) The country from which the merchandise was shipped, i. e., the country from which the merchandise was last exported, must be shown.

CROSS REFERENCE: Shipments in transit through the United States, see §§ 30.29, 30.34.

§ 30.38 *Car manifests; Shipper's Export Declarations.* (a) Upon arrival of merchandise for exportation at a border port the carrier must deliver to the Collector of Customs a car manifest, giving marks and numbers, the name of the shipper or consignor, description of the goods, and the destination thereof. This manifest may be the waybill, or a copy thereof, or a copy of the manifest prepared for the foreign customs. The required Shipper's Export Declarations in duplicate must be attached to the car manifest or waybill when delivered to the Collector.

(b) Under provisions of the act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until the car manifest and Shipper's Export Declarations have been delivered to the Collector of Customs; but if any declarations are missing for rail shipments to Canada, immediate exportation may be permitted upon the filing of pro forma declarations therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations no later than 15 calendar days after the date of exportation.

(c) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.39 *Exportation by ferry or vehicle; Shipper's Export Declarations.* (a) The shipper or his agent must deliver Shipper's Export Declarations in duplicate to the customs officer covering all goods exported by ferry, wagon, or other vehicle. The customs officer will retain the original declaration and deliver a certified duplicate to the shipper, master or driver as a permit for the exportation of the goods. The driver or person in charge of a vehicle will deliver the certified duplicate to the customs officer when the goods are taken out of the country. The master of a ferry will deliver to the customs officer at the close of each day all duplicates received during that day, accompanied by a statement that such duplicate declarations cover all goods exported on such ferry during that day.

(b) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this Section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.40 *Penalty for failure to file Shipper's Export Declarations for exports by rail.* The agent or employee of any railway or transportation company who shall transport any commodities into a foreign country by rail before delivering to the Collectors of Customs the Shipper's Export Declarations covering the commodities transported as required by law shall be liable to a penalty of $50 for each offense. Such liability shall not apply in those cases where pro forma declarations have been filed and a bond executed on Customs Form 7303 to produce the missing declarations not later than the 15th calendar day after the date of exportation.

§ 30.41 *Report of violations of law.* Collectors of Customs shall report without delay to the nearest United States attorney all violations of the provisions of the statistical laws.

§ 30.42 *Shipments from the interior for export; shipments or declarations originating at a port of exportation.* (a) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a noncontiguous territory of the United States, except Alaska and Hawaii, the shipper must prepare and deliver to the carrier the export declaration in duplicate to accompany the waybill to the seaport, airport, or border port of exportation.

(b) For shipments from the interior on domestic bills of lading consigned to the seaboard for exportation, the export declarations may be delivered to the carrier as prescribed above or mailed to the consignee at the port of exportation.

(c) Upon arrival of the goods at the seaboard, or airport, the carrier will deliver two copies of the Shipper's Export Declaration to the Collector of Customs who will retain the original, certify and deliver the duplicate to the party designated to attend to the exportation, to be delivered to the exporting vessel or aircraft, as a permit to export and evidence that the original Shipper's Export Declaration has been filed with the Collector.

(d) For shipments to Canada or Mexico by rail consisting of two or more cars, a separate Shipper's Export Declaration shall be furnished for each car in order to avoid possible delay at the border.

(e) If the shipment originates or the Shipper's Export Declaration is prepared at the port of exportation, the shipper must deliver the declaration in duplicate to the Collector of Customs. Collectors shall retain the original and indicate on the duplicate copy, which is for presentation by the shipper to the transportation company to be attached to the outward vessel, aircraft, or car manifest, that it has been verified as a copy of the declaration retained by the Collector. This duplicate copy when returned to the Collector shall be forwarded by the Collector to the Customs Statistics Section, Foreign Trade Division, Bureau of the Census, Customhouse, New York 4, New York.

(f) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.43 *Divided shipments.* (a) If a shipment is divided at the port of exit by

accident or intention, part being exported in one vessel, airplane, or car, and part in another, the agent of the carrier will note the amount shipped on the declaration attached to the vessel, air, or car manifest. Declarations covering subsequent shipments must be prepared by the carrier's agent in duplicate from records of the previous shipment and be presented to the Collector when the remainder is shipped. The number of the original declaration must be noted on the original and duplicate copy of the declaration covering the remainder of the shipment.

(b) For the purpose of export control, and in addition to the number of copies of Shipper's Export Declarations required by this Section, an additional copy or additional copies of the Shipper's Export Declaration may be required by regulations issued by the Office of International Trade of the Department of Commerce.

§ 30.44 *Exportations from Puerto Rico via the United States.* Shipper's Export Declarations in duplicate must accompany merchandise shipped from Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the Collector of Customs at such port of exportation, with the name of the exporting vessel noted thereon.

§ 30.45 *Trade between the United States and its noncontiguous territory.* (a) The regulations in this chapter with respect to the collection of statistics of merchandise, gold, and silver exported from the United States to foreign countries and of clearances of vessels in such trade are extended to, and will govern, so far as applicable, in the collecton of statistics of shipments between the United States and its noncontiguous territory and between the respective portions of said noncontiguous territory, except as noted in paragraph (b) of this section.

(b) The regulations in this chapter shall not apply to the following:

(1) Shipments between the United States and (i) Alaska and (ii) Hawaii.

(2) Shipments between any United States territory and possession and (i) Alaska and (ii) Hawaii.

Shipper's Export Declarations will, therefore, not be required for such shipments made by any method of transportation.

§ 30.46 *Shipments of furniture, supplies, equipment owned by Government offices and employees.* No export declarations are required for shipments of office furniture, equipment and supplies, household goods and personal property to United States offices or employees in foreign countries or noncontiguous territories for their exclusive use, or for shipments of books, maps, charts, and pamphlets made by United States Government offices to foreign libraries or Government establishments or for shipment of military and naval supplies and equipment for the use of United States military and naval forces abroad.

§ 30.47 *Personal effects and contents of diplomatic pouches.* No export declarations are required for personal effects or baggage of travelers or for the contents of diplomatic pouches sent from the United States to foreign countries.

§ 30.48 *Semi-weekly reports of vessel entrances and clearances.* (a) Collectors and Deputy Collectors of Customs will transmit twice a week the duplicate copies of Customs Form 1400 "Record of Vessels Engaged in Foreign Trade—Entered or Arrived Under Permit to Proceed," and Customs Form 1401 "Record of Vessels Engaged in Foreign Trade—Cleared or Granted Permit to Proceed," to the Customs Statistics Section, Foreign Trade Division, Bureau of the Census, Room 434 Customhouse, New York 4, New York. These should be transmitted promptly. A semi-weekly report should include only entrances and clearances occurring in one calendar month.

(b) Whenever there are no transactions during any particular semi-weekly period, a report to that effect should be rendered for the required period on Commerce Form 550—"No transactions."

§ 30.49 *Export declarations; articles placed aboard vessels for the care and feeding of livestock en route to destination.* (a) Foreign Commerce Statistical Decision 43,[7] issued August 13, 1943, provides that the Shipper's Export Declaration (Commerce Form 7525–V)[7] and the Defense Aid (Lend-Lease) Shipper's Export Declaration (Commerce Form 7525–DA–V)[7] will not be required for shipments of sea stores, ships' stores, vessel supplies and vessel equipment of the departing vessel.

(b) Hay, straw, feed and other appurtenances necessary to the care and feeding of livestock while en route on the ocean shall be considered part of the sea stores of the carrying vessel and the Shipper's Export Declaration will not be required for the portion consumed during the voyage.

(c) The Shipper's Export Declaration is, however, required for that portion which will remain after the voyage and will be delivered to the consignee. Estimated quantities, values, and shipping weights may be shown on export declarations covering the residual cargo.

J. C. CAPT,
Director,
Bureau of the Census.

[F. R. Doc. 48–10782; Filed, Dec. 9, 1948; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–335]

PART 178—BABY CHICK INDUSTRY

INTERPRETATION OF "IN-CROSSBRED"

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 6th day of December 1948.

The Federal Trade Commission today issued the following statement interpreting the definition of "in-crossbred" baby chicks contained in § 178.27, 13 F. R. 5366 (Rule 27) of the Revised and Extended Trade Practice Rules for the Baby Chick Industry, as promulgated September 15, 1948:

The definition of "in-crossbred" contained in § 178.27 of the revised and extended rules for the Baby Chick Industry promulgated September 15, 1948, is not to be construed as precluding a combination of two inbred lines of the same breed or variety as a first step prior to crossing the breeds or varieties employed. Accordingly, in the production of "in-crossbred" chicks, first generation poultry produced by combining two inbred lines of the same breed or variety may be used in lieu of a single inbred line of that same breed or variety for the purpose of making the types of crosses of inbred lines of different breeds or varieties specified in such definition for the term "in-crossbred" set forth in § 178.27.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48–10721; Filed, Dec. 9, 1948; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52099]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE

Examination of less than 1 package of every 10 packages of type H 6-volt D. C. motors authorized; § 14.1 (b), Customs Regulations of 1943, as amended, further amended.

It is my opinion that the examination of less than 1 package of every 10 packages, but not less than 1 package of every invoice, of type H 6-volt D. C. motors, if such merchandise is (1) imported in packages the contents and values of which are uniform, or (2) imported in packages the contents of which are identical as to character although differing as to quantity and value per package, will amply protect the revenue.

Therefore, by virtue of the authority contained in sections 499 and 624 of the Tariff Act of 1930, as amended (19 U. S. C. secs. 1499 and 1624), I do by this special regulation permit and authorize a less number of packages than 1 package of every 10 packages, but not less than 1 package of every invoice of type H 6-volt D. C. motors to be examined.

This special regulation shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

In view of the foregoing, § 14.1 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 14.1 (b)), as amended, containing a list of merchandise as to which collectors are especially authorized to designate for examination less than 1 package of every 10 packages, is hereby further amended by inserting "Motors,

[7] Not filed with the Division of the Federal Register.

type H 6-volt D. C." in said list in proper alphabetical position.

The number of this Treasury decision shall be added as a marginal notation to § 14.1 (b).

(Sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 624, 46 Stat. 759; 19 U. S. C. 1499, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: December 6, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10764; Filed, Dec. 9, 1948; 8:53 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Federal Security Agency

MISCELLANEOUS AMENDMENTS

These amendments conform Chapter I of Title 20 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929); conform the regulations to the present organization of the Bureau of Employees' Compensation; and make other changes as set forth below.

Subchapter A—United States Employees' Compensation Act

1. The codification of Part 01, Part 04, and §§ 02.1, 02.2, 02.5, 02.6, 02.21, 02.22, 02.25 to 02.30, 02.41, 02.42, 02.45 to 02.50, 02.61, 02.62, and 02.65 to 02.70 of Part 02, is hereby discontinued. Future amendments to this material will be published in the Notices section of the FEDERAL REGISTER.

2. Part 02 Statement of Procedures is redesignated Part 01 and the sections remaining therein are redesignated as follows:

Old Nos.	*New Nos.*	*Old Nos.*	*New Nos.*
02.3	01.1	02.51	01.23
02.4	01.2	02.63	01.31
02.7	01.3	02.64	01.32
02.23	01.11	02.71	01.33
02.24	01.12	02.81	01.41
02.31	01.13	02.82	01.42
02.43	01.21	02.91	01.51
02.44	01.22	02.92	01.52

3. Part 03 is redesignated Part 02 and is amended to read as follows:

PART 02—STATEMENT RELATIVE TO SUBSTANTIVE RULES

§ 02.1 *Statement relative to substantive rules.* (a) The principal function of the Bureau and its subordinate parts is that of adjudicating claims for workmen's compensation. This function is quasi judicial in character and involves the application of statutes and principles of law to resolved factual situations. The field of activity is within the specialized branch of the law generally referred to as "workmen's compensation". This branch of the law has its own particularized principles which have general applicability to workmen's compensation statutes (State and Federal), as such statutes have certain common or underlying similarity in respect to the meaning of terms and phrases, and in respect to scope, jurisdiction, and general basic concepts of employers liability.

(b) In the administration of the several workmen's compensation laws within its jurisdiction, the Bureau has one general policy, which is to follow and to adhere to the principles of workmen's compensation law as stated in the opinions of the Supreme Court, the Federal Circuit Courts of Appeal, and the District Courts of the United States, as they may appropriately be applied in like situations arising under the laws administered by the Bureau. In addition, decisions and opinions of the judicial tribunals of the several States and Territories furnish principles of law of general applicability in the specialized field of workmen's compensation, which form part of the foundation of general principles relied upon in the application and interpretation of the several acts administered by the Bureau. The Bureau applies the statute, applicable in respect to a particular case or situation, to the extent that the statute can readily be applied without extrinsic aid, but where such aid is necessary, the source thereof is the body of principles embodied in authoritative decisions of the courts within such well-recognized branch of the law.

(c) Certain statutes administered by the Bureau (relating to military or quasi military establishments) contain as the fundamental prerequisite to compensation that injury or death shall have occurred in the "line of duty",—a phrase not having a counterpart in workmen's compensation statutes. The policy of the Bureau in respect to such phrase is to follow the principles and interpretations in respect thereto as may be applied by the particular service in which the disabled or deceased individual served.

(d) To the extent that any rule of substantive nature may appear in the published regulations of the Bureau, such regulations are made part of this section. (Sec. 32, 39 Stat. 749; 5 U. S. C. 783)

PART 1—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

Sections 1.1, 1.4, 1.13, and 1.14 are amended to read as follows:

§ 1.1 *General provisions; definitions.* The administration of the United States Employees' Compensation Act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751–793), as amended, was vested by said act in the United States Employees' Compensation Commission, but effective July 16, 1946, such Commission was abolished and its functions transferred to the Federal Security Agency by section 3 of Reorganization Plan No. 2 (11 F. R. 7873, 3 CFR, 1946 Supp., Ch. IV). Effective July 16, 1946, the Federal Security Administrator established the Bureau of Employees' Compensation under the supervision of a Director and delegated to him all the duties, powers, and functions of the former United States Employees' Compensation Commission, with certain exceptions dealing with budgetary and legislative matters.[1] As delegated, the Bureau of Employees' Compensation is authorized under the compensation act to decide all questions arising under the act. The Bureau is authorized under such act, upon consideration of a claim presented by a beneficiary and official reports pertaining to injury or death sustained by a civil employee of the United States while in the performance of duty and upon completion of such investigation as it may deem necessary, to determine the facts and make an award for or against payment of the compensation provided for in said act. The Bureau has power, under the provisions of the said act, to issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the Bureau.

Reorganization Plan No. 2 required the Federal Security Administration to provide by regulation for a board of three persons to be designated or appointed by the Federal Security Administrator with authority to hear and, subject to applicable law, make final decision on appeals taken from determinations and awards with respect to claims of employees of the Federal Government or of the District of Columbia, and pursuant to Agency order No. 58, the Federal Security Administrator established an Employees' Compensation Appeals Board to hold hearings and make decisions on appeals taken from such determinations and awards. (20 CFR, Parts 501 and 502)

All employees of the United States and other persons who may claim or be entitled to claim benefits under the said act, and the official superiors of all such persons, shall be bound by the regulations in this subchapter and shall conform to the procedure prescribed in said act and in the regulations under this subchapter. The term "official superior", as used in this subchapter and Subchapter B, includes all officers and employees having responsible supervision, direction or control of civil employees, members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army, members of the Naval Reserve, or others employed in the service of the Federal Government or the government of the District of Columbia. For the purposes of the regulations in this subchapter the term "employee" as used in this subchapter shall include, in addition to civil employees of the United States, employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia), members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army, officers and enlisted men of the United States Naval Reserve, and other persons performing service for the United States within the purview of said act and all acts in amendment, substitution or extension thereof.

[1] Agency Order 58, July 16, 1946, 11 F. R. 7943.

All definitions appearing in said act, as amended, shall be applicable with respect to the regulations promulgated under this subchapter and Subchapter B. (39 Stat. 749; 5 U. S. C. 783)

§ 1.4 *Claim for compensation for disability.* Compensation for disability under said act will not be paid unless written claim therefor is made by the employee or by someone in his behalf within the time limit prescribed by the said act. If such claim is not submitted within 60 days after the injury, an explanation of the delay must accompany the claim. For any reasonable cause shown the Bureau may allow claims for compensation for disability to be made at any time within one year. (For further waiver of limitation provisions see § 1.13) Form C. A. 4 is provided by the Bureau for making the original claim. Such claim may be filed by delivering it at the offices of the Bureau, or to any person designated by the Bureau to receive it. The employee's official superior is so designated to receive claims on behalf of the Bureau, and the injured employee should submit his claim to his official superior for transmission to the Bureau unless special circumstances require different procedure. Any claim or paper purporting to claim compensation submitted by an employee to his official superior shall be transmitted promptly to the Bureau. Whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 days, his official superior when practicable should furnish to him Form C. A. 4 for the purpose of claiming compensation, and should advise him of his rights under the said act. Form C. A. 4 should be filed with the Bureau upon termination of disability if the duration of disability should be less than 18 days, or at the expiration of 18 days from the date pay stops, if disability continues beyond that date. If no claim is filed by an injured employee or by someone on his behalf prior to his death, the right to claim compensation for disability ceases and does not survive. (Sec. 18, 39 Stat. 746; 5 U. S. C. 768)

§ 1.13 *Original claims for death benefits.* If the death of an employee results from an injury any person entitled to claim compensation as one of the beneficiaries enumerated in section 10 of the said act (39 Stat. 744; 5 U. S. C. 760) may file a claim for compensation, within the limit of time of 1 year after death prescribed in the said act. Form C. A. 5 is provided by the Bureau for that purpose, and should be executed as provided therein. Such claim may be filed by delivering it at the office of the Bureau, or to any person designated by the Bureau to receive it. The deceased employee's former official superior is so designated to receive such claims on behalf of the Bureau, and the person claiming benefits should submit the claim to such former official superior, unless special circumstances require a different procedure. The official superior should when it is practicable furnish to all persons likely to be entitled to compensation for death of an employee Form C. A. 5 with information as to the use of the form for making claim for compensation and the procedure in respect of filing such form, advising the Bureau of such fact. The furnishing of assistance in preparing such form or in obtaining evidence relating to the claim shall be without charge by the official superior. Any claim or paper purporting to claim compensation on account of death, submitted to the deceased employee's former official superior, shall be transmitted promptly to the Bureau. No compensation shall be paid on account of death if it is not so claimed within 1 year after the death. Failure to give notice of injury or file claim for compensation for disability or death within the time and in the manner described in §§ 1.2, 1.4, and in this section shall not bar the claim of any person thereunder if such claim is filed within 5 years after the injury or death if the Bureau shall find (a) that such failure was due to circumstances beyond the control of the person claiming benefits, or (b) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure.[2] (Sec. 18, 39 Stat. 746; 5 U. S. C. 768)

§ 1.14 *Claims for continuance of compensation on account of death.* A beneficiary to whom an award of compensation has been made on account of an employee's death, pursuant to his original claim, shall submit direct to the Bureau additional claims for continuance of compensation to be filed on the first day of January and July of each year while the award continues. Failure to submit such forms may result in suspension of compensation. For this purpose Form C. A. 12 is provided by the Bureau for the use of a widow or widower; Form C. A. 12A is provided for use by widow and guardian of minor children; Form C. A. 13 is provided for the use of a guardian or other person receiving compensation on behalf of minor or incapacitated beneficiaries; Form C. A. 13A is provided for the use of incapacitated beneficiaries, other than widows, widowers, parents or grandparents, who are not minors and have no guardians; and Form C. A. 14 is provided for the use of dependent parents or grandparents. (Sec. 32, 39 Stat. 749; 5 U. S. C. 783)

PART 2—FURNISHING OF MEDICAL TREATMENT

Section 2.12 is amended to read as follows:

§ 2.12 *Reimbursement for medical expense, transportation costs, loss of wages, and incidental expenses.* If bills for medical, surgical, nursing, dental or hospital services or supplies, or appliances, have been paid by an injured employee on account of an injury incurred while in the performance of duty, an itemized bill, receipted and signed by the person who has received payment, may be submitted to the Bureau for consideration. If payment has been made to a hospital, corporation or firm, the receipted bill should bear the signature or initials of the person acting for the payee. If receipted by mechanical stamp or device, which shows clearly its intent and purpose, the usual formalities attendant to the receipting of bills may be dispensed with. Where the means of transportation is not furnished by the Government, a claim for reimbursement of the cost of necessary transportation, and of necessary incidental expenses incurred by an injured employee who has been authorized to travel for the purpose of securing medical or hospital treatment, appliances or supplies or for medical examinations, may be submitted promptly to the Bureau for consideration. Standard Form 1012 properly executed should be used for this purpose. Where transportation by automobile is furnished by an employee of the United States or by a relative of the injured employee, reimbursement may be made at the rate per mile fixed by law, Executive, administrative or other order for employees of the United States authorized to travel at Government expense. (Sec. 32, 39 Stat. 749; 5 U. S. C. 783)

Subchapter C—Longshoremen's and Harbor Workers' Compensation Act

PART 31—GENERAL ADMINISTRATIVE PROVISIONS

1. Section 31.1 is amended to read as follows:

§ 31.1 *General administrative provisions; definitions; interpretation of statute.* Every person subject to, claiming benefits under, or acting under, the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C. ch. 18) shall conform to the procedure prescribed therein and in the regulations under this subchapter. The term "Bureau" as used in this chapter means the Bureau of Employees' Compensation, Federal Security Agency. All other definitions appearing in section 2 of said act (44 Stat. 1424; 33 U. S. C. 902) shall be applicable with respect to the regulations promulgated under this chapter. The responsibility for the administration of the said act is committed therein to the Bureau, which administers the act through deputy commissioners appointed by it for the several compensation districts established pursuant to law. The Bureau of Employees' Compensation was created by the Federal Security Administrator as part of the Office of Special Services, Federal Security Agency (see 45 CFR, Subtitle A), to perform the functions performed by the United States Employees' Compensation Commission prior to the transfer of such functions to the Administrator by Reorganization Plan No. 2 of 1946 (11 F. R. 7873, 3 CFR, 1946 Supp., Ch. IV). Except in cases in which the said act otherwise requires, action upon claims shall be taken by the said deputy commissioners in conformity with law and the regulations in this subchapter. In the absence of controlling court decisions, the said deputy commissioners shall conform with the interpretation of the said act by the Bureau by regulation or otherwise, and such interpretation

[2] Amended July 28, 1945 (c. 328, 59 Stat. 503; 5 U. S. C. 770).

shall be binding upon them until held invalid by controlling judicial authority. (Sec. 23 (b), 44 Stat. 1437; 33 U. S. C. 923 (b))

2. Sections 31.8 to 31.25 are redesignated §§ 31.9 to 31.26, respectively, and a new § 31.8 is added to read as follows:

§ 31.8 *Prehearing conferences.* (a) In order to expedite and simplify formal administrative proceedings, in all cases in which there are issues of fact or law, and, whenever practicable, no formal hearings will be set until after prehearing conferences. Such conferences may be held by the deputy commissioner, assistant deputy commissioner, a claims examiner or other person designated for such purpose by the deputy commissioner or the assistant deputy commissioner.

(b) The purposes of such prehearing conferences are (1) amicably to dispose of controversies wherever possible; (2) to narrow issues; and (3) to simplify the subsequent methods of proof.

(c) Prehearing conferences may be set upon ten days' notice to the parties in interest (or a longer period if the circumstances require, or shorter period if agreed upon by the parties). They shall be kept characteristically informal, and shall not be stenographically reported. It shall be the duty of the deputy commissioner, assistant deputy commissioner, claim examiner or other person in charge of the conference to guide the discussion toward the achievement of the purposes of such conference, giving the parties the benefit of his specialized knowledge and experience.

(d) At the termination of such conferences the person in charge thereof shall prepare stipulations, for the signatures of the parties, covering agreements as to all or part of the facts, admissions, narrowing of issues, or simplification of methods of proof. Such stipulations when signed by the parties in interest shall be made and become part of the formal record of the case. Where stipulations relate to evidence to be used at a later formal hearing, such evidence may then be received as such evidence and appropriately identified by marking such evidence, respectively, as claimant's or respondent's exhibits, consecutively numbered in each respect. At the termination of such a conference, the person in charge thereof shall prepare for the file in the case a memorandum setting forth the purpose for which the conference was held, the matters discussed and the results achieved. Should a conference terminate without complete achievement of the purpose thereof, and the remaining issue or issues be of such character as not to present a difficult basis for adjustment by amicable agreement of the interested parties, the person in charge, after review of the record of the case, may by letter addressed to the parties in interest make his recommendation to dispose of the matter in controversy, setting a date for reply thereto. Every such letter should advise the interested parties that the purpose thereof is to recommend a basis for agreement, upon such issue or issues, as appears from review of the information contained in the current record of the case, and that such recommendation is not a "decision" in the case and will not affect or prejudice the rights of any party, or the further adjustment of the case, should the recommendation not be accepted by such parties and a later hearing be found necessary. (Sec. 23 (b), 44 Stat. 1437; 33 U. S. C. 923 (b))

Subchapter D—District of Columbia Workmen's Compensation Law

PART 41—GENERAL ADMINISTRATIVE PROVISIONS

1. Section 41.1 (a) is amended to read as follows:

§ 41.1 *General administrative provisions; definitions; interpretation of statute.* (a) Every person subject to, claiming benefits under, or acting under, the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901 et seq.) as made applicable to the District of Columbia by the act of Congress approved May 17, 1928 (45 Stat. 600; 36 D. C. Code 501, 502), shall conform to the procedure prescribed therein and in the regulations under this subchapter. Except where otherwise indicated, the references in this subchapter to sections of the act will be to sections of the Longshoremen's and Harbor Workers' Compensation Act. The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, Federal Security Agency. The Bureau was created by the Federal Security Administrator as a part of the Office of Special Services, Federal Security Agency (see 45 CFR, Subtitle A), to perform the functions performed by the United States Employees' Compensation Commission prior to the transfer of such functions to the Administrator by Reorganization Plan No. 2 of 1946 (11 F. R. 7873, 3 CFR, 1946 Supp., Ch. IV). The other definitions appearing in section 2 of the Longshoremen's Act, except the definitions of "employer" and "employee," shall be applicable with respect to the regulations promulgated under this subchapter. The responsibility for the administration of the said act is committed therein to the Bureau, which administers the act through a deputy commissioner appointed by it for the District of Columbia. Except in cases in which the said act otherwise requires, action upon claims shall be taken by the said deputy commissioner in conformity with law and the regulations in this subchapter. In the absence of controlling court decisions, the said deputy commissioner shall conform with the interpretation of the said act by the Bureau by regulation or otherwise, and such interpretation shall be binding upon him until held invalid by controlling judicial authority.

* * * * *

2. Sections 41.7 to 41.24 are redesignated §§ 41.8 to 41.25, respectively, and a new § 41.7 is added to read as follows:

§ 41.7 *Prehearing conferences.* (a) In order to expedite and simplify formal administrative proceedings, in all cases in which there are issues of fact or law, and, whenever practicable, no formal hearings will be set until after prehearing conferences. Such conferences may be held by the deputy commissioner, assistant deputy commissioner, a claims examiner or other person designated for such purpose by the deputy commissioner or the assistant deputy commissioner.

(b) The purposes of such prehearing conferences are (1) amicably to dispose of controversies wherever possible; (2) to narrow issues; and (3) to simplify the subsequent methods of proof.

(c) Prehearing conferences may be set upon ten days' notice to the parties in interest (or a longer period if the circumstances require, or shorter period if agreed upon by the parties). They shall be kept characteristically informal, and shall not be stenographically reported. It shall be the duty of the deputy commissioner, assistant deputy commissioner, claim examiner or other person in charge of the conference to guide the discussion toward the achievement of the purposes of such conference, giving the parties the benefit of his specialized knowledge and experience.

(d) At the termination of such conferences the person in charge thereof shall prepare stipulations, for the signatures of the parties, covering agreements as to all or part of the facts, admissions, narrowing of issues, or simplification of methods of proof. Such stipulations when signed by the parties in interest shall be made and become part of the formal record of the case. Where stipulations relate to evidence to be used at a later formal hearing, such evidence may then be received as such evidence and appropriately identified by marking such evidence, respectively, as claimant's or respondent's exhibits, consecutively numbered in each respect. At the termination of such a conference, the person in charge thereof shall prepare for the file in the case a memorandum setting forth the purpose for which the conference was held, the matters discussed and the results achieved. Should a conference terminate without complete achievement of the purpose thereof, and the remaining issue or issues be of such character as not to present a difficult basis for adjustment by amicable agreement of the interested parties, the person in charge, after review of the record of the case, may by letter addressed to the parties in interest make his recommendation to dispose of the matter in controversy, setting a date for reply thereto. Every such letter should advise the interested parties that the purpose thereof is to recommend a basis for agreement, upon such issue or issues, as appears from review of the information contained in the current record of the case, and that such recommendation is not a "decision" in the case and will not affect or prejudice the rights of any party, or the further adjustment of the case, should the recommendation not be accepted by such parties and a later hearing be found necessary. (Sec. 23 (b), 44 Stat. 1437; 33 U. S. C. 923 (b))

Subchapter E—Extension of the Longshoremen's and Harbor Workers' Compensation Act to Persons Engaged in Employment Outside Continental United States

The headnote of Subchapter E is amended to read as set forth above.

PART 51—GENERAL ADMINISTRATIVE PROVISIONS

Section 51.1 (a) is amended to read as follows:

§ 51.1 *General administrative provisions.* (a) Except as herein modified, the regulations in Subchapter C of this chapter, governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U. S. C. 901 et seq.), shall so far as not inapplicable govern the administration of Public Law No. 208, 77th Congress, approved August 16, 1941, as amended (55 Stat. 622; 42 U. S. C. 1651), extending the Longshoremen's and Harbor Workers' Compensation Act to persons engaged in employment at military, air, and naval bases, upon lands occupied and used for military or naval purposes, or under public works contracts, outside continental United States, and every person subject to, claiming benefits under, or acting under, the said Public Law, as amended, shall conform to the procedure prescribed in the Longshoremen's and Harbor Workers' Compensation Act and in the regulations under Subchapter C and this subchapter. The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, Federal Security Agency. The Bureau was created by the Federal Security Administrator as a part of the Office of Special Services, Federal Security Agency (see 45 CFR, Subtitle A), to perform the functions performed by the United States Employees' Compensation Commission prior to the transfer of such functions to the Administrator by Reorganization Plan No. 2 of 1946 (11 F. R. 7873, 3 CFR, 1946 Supp. Ch. IV).

* * * * *

Subchapter F—Compensation for Injury, Disability, Death, or Enemy Detention of Employees of Contractors With the United States

The headnote of Subchapter F is amended to read as set forth above.

PART 61—GENERAL ADMINISTRATIVE PROVISIONS

The introductory paragraph of § 61.1 (a) is amended to read as follows:

§ 61.1 *General provisions; definitions.* (a) The Bureau of Employees' Compensation, Federal Security Agency, was created by the Federal Security Administrator July 16, 1946 (Agency Order No. 58, 11 F. R. 7943) to perform the functions of the United States Employees' Compensation Commission which by section 3 of Reorganization Plan No. 2 (11 F. R. 7873, 3 CFR, 1946 Supp., Ch. IV) was abolished and its functions transferred to the Federal Security Agency. The Bureau is charged with the administration of Public Law No. 784, 77th Congress, entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942. This act, in Title I, provides compensation for injury or death proximately resulting from a war-risk hazard, with respect to the following categories of employees:

* * * * *

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved: December 6, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-10745; Filed, Dec. 9, 1948; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter II of Title 21 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER. Future amendments and additions to material the codification of which is hereby discontinued will be published in the Notices section of the FEDERAL REGISTER.

1. The headnote of Part 201 is changed to read "Part 201—Appeals to Secretary of the Treasury, and Cooperation with States," and § 201.12, *Effective date*, is deleted.

2. The headnote of Part 202 is changed to read "Part 202—Importation and Exportation of Narcotic Drugs," and § 202.60, *Effective date*, is deleted.

3. The codification of Part 203 is discontinued.

4. Part 204 is redesignated "Part 203—Opium Poppies," and § 204.18, *Effective date*, is deleted.

5. The following changes are made in Part 205:

a. The codification of the entire part, except § 205.7 is discontinued.

b. The part is redesignated "Part 204—Adjudication and Licensing Procedure," and the remaining section (§ 205.7) is redesignated § 204.1.

6. The following changes are made in Part 206:

a. The codification of § 206.1 is discontinued.

b. The part is redesignated "Part 205—Hearings to Determine Addiction-forming or Addiction-sustaining Liability of Drugs" and the remaining sections (§§ 206.2, 206.3) are redesignated §§ 205.1 and 205.2, respectively.

WILL S. WOOD,
Acting Commissioner of Narcotics.

[F. R. Doc. 48-10747; Filed, Dec. 9, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 52]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule B is amended by incorporating Item 37 as follows:

37. Provisions relating to Bismarck-Mandan Defense-Rental Area, State of North Dakota:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective December 10, 1948, an increase of 9 percent is hereby authorized in the maximum rents for all housing accommodations in the Bismarck-Mandan Defense-Rental Area, State of North Dakota, except maximum rents established under § 825.4 (b).

Any maximum rent for housing accommodations in said defense-rental area which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1945 plus 9 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 9 percent, on the filing of an individual petition for adjustment under § 825.5 (a) (11).

All provisions of §§ 825.1 to 825.12 insofar as they are applicable to the Bismarck-Mandan Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective December 10, 1948.

Issued this 7th day of December 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 52 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Bismarck-Mandan Defense-Rental Area, State of North Dakota, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in the Bismarck-Mandan Defense-Rental Area, State of North Dakota, except as to maximum rents established under § 825.4 (b) of the regulation.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 9 percent and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-10749; Filed, Dec. 9, 1948; 8:50 a. m.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299.

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 52]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule B is amended by incorporating Item 38 as follows:

38. Provisions relating to Bismarck-Mandan Defense-Rental Area, State of North Dakota.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective December 10, 1948, an increase of 9 percent is hereby authorized in the maximum rents for all housing accommodations in the Bismarck-Mandan Defense-Rental Area, State of North Dakota, except maximum rents established under § 825.84 (b).

Any maximum rent for housing accommodations in said defense-rental area which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1945, plus 9 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 9 percent, on the filing of an individual petition for adjustment under § 825.85 (a) (8).

All provisions of §§ 825.81 to 825.92 insofar as they are applicable to the Bismarck-Mandan Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect. (Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e)).

This amendment shall become effective December 10, 1948.

Issued this 7th day of December 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 52 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Bismarck-Mandan Defense-Rental Area, State of North Dakota, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in the Bismarck-Mandan Defense-Rental Area, State of North Dakota, except as to maximum rents established under § 825.84 (b) of the regulation.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 9 percent and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-10750; Filed, Dec. 9, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket Nos. 553, 554, 555]

NEW JERSEY COOP CO. INC., ET AL.

PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on September 9, 1947 (6 A. D. 912) authorizing the respondents to put into effect an additional charge of three cents per coop and continuing a previous order dated December 20, 1946 (5 A. D. 885) in all other respects, to and including December 31, 1948.

On November 19, 1948, respondents filed a petition requesting that they be authorized permanently to increase the rental charge from 78 cents to 83 cents per coop. By letter filed on December 2, 1948 respondents modified the petition so as to request that the new rental charge be 85 cents per coop.

The rates petitioned for, if authorized, will provide additional revenue for the respondents so that it appears that public notice of the filing of the petition should be given in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for increases in the temporary rates currently in effect.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 6th day of December 1948.

[SEAL] F. W. IM MASCHE,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-10766; Filed, Dec. 9, 1948; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2136900]

ALASKA

RESTORATION ORDER NO. 1270 UNDER FEDERAL POWER ACT

DECEMBER 6, 1948.

Pursuant to the determination of the Federal Power Commission (DA-42, Alaska) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, that portion of the following-described lands which were withdrawn pursuant to the filing of an application for preliminary permit for proposed water-power Project No. 119 is hereby restored for purchase as a homesite under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

CHUGACH NATIONAL FOREST, ALASKA

U. S. Survey No. 2526, Lot 10, 4.67 acres; latitude 60°29'49" N., longitude 149°49'30" W., (Homesite No. 51, Cooper Landing Group).

This order shall become effective at 10:00 a. m. on February 7, 1949.

MARION CLAWSON,
Director.

[F. R. Doc. 48-10740; Filed, Dec. 9, 1948; 8:46 a. m.]

[Circular 1709]

TOWNSITE OF SAN LUIS, ARIZ.

SALE OF TOWN LOTS

1. *Satutory authority.* Certain lots in the San Luis Townsite, Arizona, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116 and 519) (43 U. S. C. 561-2).

2. *Area and price.* The area and minimum price of the lots, which are to be sold, are shown on the attached schedule.

3. *Public sale.* On Monday, December 13, 1948, beginning at 10 a. m. a sale at public auction to the highest bidder at not less than the appraised price will be held at the office of the Bureau of Reclamation, Yuma, Arizona. Mr. W. A. Boettcher, Superintendent of the Yuma Project, has been designated as superintendent of the sale, and Mr. M. H. Furtney as auctioneer.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6862, 6911, 7299.

4. *Terms of sale.* Full payment for the lots must be made in cash on the date of the sale. Bids and payments may be made through agents, but not by mail, or at any time or place other than stated herein. The superintendent of the sale will forward the money received to the District Land Office at Phoenix, Arizona.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot to such time and place as he may deem proper. After all lots have been offered, the superintendent will close the sale. Any lot or tract remaining unsold will be subject to private sale at the District Land Office at Phoenix, Arizona.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, 18 U. S. C., section 113.

MARION CLAWSON,
Director.

Approved: December 8, 1948.

WILLIAM G. WARNE,
Asssitant Secretary of the Interior.

YUMA PROJECT, ARIZONA-CALIFORNIA

SAN LUIS TOWNSITE, ARIZONA

[Section 12, Township 11 South, Range 25 West, G. & S. R. M., Arizona]

Block 1

Lot 1 90 x 280—25,200 square feet	$150.00
Lot 2 90 x 280—25,200 square feet	100.00
Lot 3 90 x 280—25,200 square feet	100.00
Lot 4 90 x 280—25,200 square feet	100.00
Lot 5 90 x 280—25,200 square feet	100.00
Lot 6 90 x 280—25,200 square feet	200.00

Block 2

Lot 1 100 x 280—28,000 square feet	100.00
Lot 2 100 x 280—28,000 square feet	75.00
Lot 3 100 x 280—28,000 square feet	75.00
Lot 4 100 x 280—28,000 square feet	75.00
Lot 5 100 x 280—28,000 square feet	75.00
Lot 6 100 x 280—28,000 square feet	150.00

Block 3

Lot 1 100 x 275—27,500 square feet	100.00
Lot 2 100 x 275—27,500 square feet	75.00
Lot 3 100 x 275—27,500 square feet	75.00
Lot 4 100 x 275—27,500 square feet	75.00
Lot 5 100 x 275—27,500 square feet	75.00
Lot 6 100 x 275—27,500 square feet	150.00

Block 4

Lot 1 90 x 275—24,750 square feet	150.00
Lot 2 90 x 275—24,750 square feet	100.00
Lot 3 90 x 275—24,750 square feet	100.00
Lot 4 90 x 275—24,750 square feet	100.00
Lot 5 90 x 275—24,750 square feet	100.00
Lot 6 90 x 275—24,750 square feet	200.00

Block 5

Lot 1 90 x 275—24,750 square feet	75.00
Lot 2 90 x 275—24,750 square feet	50.00
Lot 3 90 x 275—24,750 square feet	50.00
Lot 4 90 x 275—24,750 square feet	50.00
Lot 5 90 x 275—24,750 square feet	50.00
Lot 6 90 x 275—24,750 square feet	100.00

Block 6

Lot 1 100 x 275—27,500 square feet	50.00
Lot 2 100 x 275—27,500 square feet	25.00
Lot 3 100 x 275—27,500 square feet	25.00
Lot 4 100 x 275—27,500 square feet	25.00
Lot 5 100 x 275—27,500 square feet	25.00
Lot 6 100 x 275—27,500 square feet	75.00

[F. R. Doc. 48-10824; Filed, Dec. 9, 1948; 9:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1668]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 26L Darlington	$510,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10767; Filed, Dec. 9, 1948; 8:53 a. m.]

[Administrative Order 1669]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 21P Lancaster	$370,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10768; Filed, Dec. 9, 1948; 8:53 a. m.]

[Administrative Order 1670]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 21G Sargent	$920,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10769; Filed, Dec. 9, 1948; 8:54 a. m.]

[Administrative Order 1671]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 56K Poweshiek	$270,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10770; Filed, Dec. 9, 1948; 8:54 a. m.]

[Administrative Order 1672]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 33P Daviess	$820,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10771; Filed, Dec. 9, 1948; 8:54 a. m.]

[Administrative Order 1673]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 9W Macon	$1,770,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10772; Filed, Dec. 9, 1948; 8:54 a. m.]

[Administrative Order 1674]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 66G, H Nebraska District Public	$315,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10773; Filed, Dec. 9, 1948; 8:54 a. m.]

[Administrative Order 1675]

LOAN ANNOUNCEMENT

NOVEMBER 26, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 47R Deaf Smith	$760,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10774; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1676]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 75K Lamar	$480,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10775; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1677]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 90L Candler	$370,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10776; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1678]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 26K Loudon	$840,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10777; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1679]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 89M Pine	$315,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10778; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1680]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 11K Jackson	$295,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10779; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1681]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 43N Grant	$295,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10780; Filed, Dec. 9, 1948; 8:55 a. m.]

[Administrative Order 1682]

LOAN ANNOUNCEMENT

DECEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 28P Williamsburg	$275,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10781; Filed, Dec. 9, 1948; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2581, et al.]

TRANSCONTINENTAL & WESTERN AIR, INC., ET AL., TWA ROUTE CONSOLIDATION CASE

NOTICE OF HEARING

In the matter of the applications of Transcontinental & Western Air, Inc., and other applicants for amendments of certificates of public convenience and necessity.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1933, as amended, that the above-entitled proceeding is assigned for hearing on January 4, 1949, at 10:00 a. m. (eastern standard time) in Conference Room "A" of the Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Particular attention will be directed to whether the public convenience and necessity require in whole or in part (a) amendment of certificates held by Transcontinental & Western Air, Inc., for routes Nos. 2 and 58, so as to consolidate them into one route as proposed in Docket No. 2581; (b) amendment of certificates held by American Airlines Inc., so as to consolidate routes Nos. 4 and 22, and in part, 25, as sought in Docket No. 2581; and (c) amendment of certificates held by Eastern Air Lines, Inc., for routes Nos. 47 and 5, so as to consolidate the Louisville-Washington segment of route No. 47 with the Washington-Boston segment of route No. 5, as requested under Docket No. 3043.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before January 4, 1949, a statement setting forth the issues of fact or law to be controverted.

For further details of the service proposed and the route modifications requested, interested parties are referred to the applications, motions, answers, correspondence and the examiner's prehearing conference reports on file with the Civil Aeronautics Board.

Dated at Washington, D. C., December 6, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10748; Filed, Dec. 9, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8044]

JOHN J. DEMPSEY

ORDER CONTINUING HEARING

Whereas, the hearing in the proceeding upon the above-entitled matter is presently scheduled to be heard on December 15, 1948, at Albuquerque, New Mexico; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing:

It is ordered, This 29th day of November 1948, that the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 a. m., Wednesday, January 12, 1949, at Albuquerque, New Mexico.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10753; Filed, Dec. 9, 1948; 8:50 a. m.]

[Docket Nos. 8847, 8848]

ANTELOPE VALLEY BROADCASTING CO. AND ANTELOPE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Robert A. Campbell and Ray Birch, a partnership d/b

as Antelope Valley Broadcasting Company, Lancaster, California, Docket No. 8847, File No. BP-6486; Antelope Broadcasting Company, Inc., Lancaster, California, Docket No. 8848, File No. BP-6576. For construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on December 6, 1948, at Lancaster, California; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 26th day of November 1948, that the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, January 26, 1949, at Lancaster, California.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10752; Filed, Dec. 9, 1948; 8:50 a. m.]

[Docket No. 8855]

SHELBY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Shelby Broadcasting Company, a partnership consisting of O. L. Parker and A. C. Childs, Center, Texas, for construction permits. Docket No. 8855; File No. BP-6572.

Whereas, the above-entitled application is presently scheduled to be heard on December 20, 1948, at Center, Texas; and

It appearing, that the public interest would be served by rescheduling the hearing upon the above-entitled application for December 10, 1948;

It is ordered, This 26th day of November 1948, on the Commission's own motion, that the hearing on the above-entitled application be, and it is hereby, scheduled for hearing commencing at 10:00 a. m., Friday, December 10, 1948, at Center, Texas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10751; Filed, Dec. 9, 1948; 8:50 a. m.]

[Docket No. 9093]

AMERICAN CABLE AND RADIO CORP. ET AL.

ORDER POSTPONING HEARING

In the matter of The American Cable and Radio Corporation, The Commercial Cable Company, Mackay Radio and Telegraph Company, and All America Cables & Radio, Inc., applicability of section 314 of the Communications Act of 1934, as amended.

The Commission, having under consideration its order herein, dated October 6, 1948, scheduling the hearing herein for December 6, 1948;

It appearing, that, because the Presiding Officer will be in attendance at other Commission proceedings to be held on December 6, 1948, he will not be available for the hearing herein on that date;

It is ordered, On the Commission's own motion, this 30th day of November 1948, that the commencement of the hearing herein is postponed until December 7, 1948, at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10754; Filed, Dec. 9, 1948; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-48, 54-138, 59-70]

EASTERN MINNESOTA POWER CORP. ET AL.

NOTICE OF FILING AND ORDER RECONVENING HEARING

In the matter of Eastern Minnesota Power Corporation, Wisconsin Hydro Electric Company, and Manufacturers Trust Company (Respondents), File No. 59-70; Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company (Applicants), File Nos. 54-138, 54-48.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of December A. D. 1948.

Notice is hereby given that Eastern Minnesota Power Corporation ("Eastern Minnesota"), a registered holding company, and its subsidiary, Wisconsin Hydro Electric Company ("Wisconsin Hydro"), have filed applications in furtherance of a joint plan heretofore filed by said companies with this Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to comply with the provisions of section 11 (b) thereof.

All interested persons are referred to said applications, which are on file in the offices of this Commission, for a statement of the transactions proposed in connection with the joint plan, which transactions are summarized later herein.

Consolidated public hearings have been held from time to time and continued subject to the call of the hearing officer regarding the joint plan and regarding proceedings instituted by the Commission under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the act with respect to Eastern Minnesota, Wisconsin Hydro and Manufacturers Trust Company ("Manufacturers"), an affiliate of Eastern Minnesota which has been granted exemption as a holding company pursuant to section 3 (a) (4) of the act.

The Commission, on May 26, 1947, issued its findings and opinion and order approving that portion of the joint plan which provided for the sale by Eastern Minnesota of its physical assets and the retirement of its outstanding bonds (see Holding Company Act Release No. 7441) and, on November 4, 1947, issued its supplemental findings and opinion and order approving that portion of the joint plan which provided for the reclassification of the capital stocks of Wisconsin Hydro into new common stock (see Holding Company Act Release No. 7822). In each instance the Commission reserved jurisdiction with respect to, among other things, the distribution of the remaining assets of Eastern Minnesota and its dissolution and the payment of fees and commissions in connection with the joint plan.

Upon application, made by the Commission at the request of the applicants, the District Court of the United States for the District of Minnesota, Fifth Division, issued its orders on November 8, 1947, and December 12, 1947, to enforce and carry out the terms and provisions of the portions of the joint plan approved by the Commission. Eastern Minnesota and Wisconsin Hydro have consummated the parts of the joint plan heretofore approved.

Eastern Minnesota has outstanding 35,000 shares of common stock, no par value (all of which is held by Manufacturers) and 10,000 shares of cumulative preferred stock, no par value (of which approximately two thirds is held by Manufacturers and the balance is held by the public). Eastern Minnesota's remaining assets consist principally of cash and its holdings of 13,280 shares (10%) of the outstanding common stock of Wisconsin Hydro.

In general, the remainder of the joint plan provides for the distribution by Eastern Minnesota of its assets, after provision for all outstanding claims and expenses, to its preferred stockholders on a pro rata basis and for the dissolution of Eastern Minnesota. No provision is made for participation by the common stock of Eastern Minnesota in its assets.

As the final steps in carrying out the joint plan, Eastern Minnesota proposes (a) to set up a reserve of $60,000 against claims and expenses and to pay such fees and expenses as may be allowed by this Commission, (b) to distribute to its preferred stockholders as a first liquidating dividend (1) $24 per share held, and (2) the shares of Wisconsin Hydro common stock held by it as near as may be possible on a pro rata basis without the issuance of fractional shares, (c) to sell at the market, within ninety days after the distribution of such first liquidating dividend, all shares of Wisconsin Hydro common stock not distributed and to pay the net proceeds from that part of such stock which represents fractional shares, on a pro rata basis, to the preferred stockholders entitled to such fractional shares, (d) to distribute, from time to time, to its preferred stockholders on a pro rata basis, all its remaining assets, and (e) to dissolve.

Wisconsin Hydro proposes to pay such fees and expenses incurred by it in connection with the joint plan as may be allowed by this Commission.

Eastern Minnesota requests that the Commission's order approving the proposed transactions contain certain recitals necessary to conform to the requirements of section 1808 (f) of the Internal Revenue Code, as amended.

It appearing to the Commission that the consolidated hearing in this matter should be reconvened for the purpose of introducing such additional evidence as may be relevant to the parts of the joint plan not heretofore approved or to the

proceedings instituted by the Commission: *It is ordered*, That:

1. The hearing in this matter be reconvened at 10:00 a. m., e. s. t., on January 5, 1949, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk, in Room 101.

2. All persons desiring to be heard or otherwise wishing to participate in these proceedings, who are not now parties thereto, should file with the Secretary of the Commission on or before January 3, 1949 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice. In the event that the joint plan is amended during the course of the proceedings herein, no notice thereof will be given unless specifically ordered by the Commission.

3. Richard Townsend, or any other officer or officers of the Commission designated by it for the purpose, shall preside at such reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

4. Eastern Minnesota shall give notice of the reconvening of said hearing to its stockholders of record by mailing to each of said stockholders at his last known address a copy of this notice and order at least fifteen days prior to the date of said hearing.

5. The Secretary of the Commission shall serve notice of said hearing by mailing copies of this notice and order by registered mail to Eastern Minnesota, Wisconsin Hydro, Manufacturers, Northern States Power Company (Minnesota), Commercial National Bank & Trust Company, Messrs. Root, Ballantine, Harlan, Bushby & Palmer, and to all persons who have heretofore entered appearances in this matter or to their respective attorneys of record; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER, and by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the act.

6. Jurisdiction be, and hereby is, reserved to separate, either for hearing in whole or in part, or for determination in whole or in part, any issues or questions in these proceedings or to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the applications and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters and questions are presented for consideration.

(a) Whether the plan as now proposed, or as hereafter amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

(b) Whether, and if so, in what manner, the plan as submitted or as modified, should be amended to render it fair and equitable and feasible;

(c) Whether the fees, commissions or other remuneration to be paid in connection with the plan are for necessary services and are reasonable in amount;

(d) Generally, whether the proposed transactions are in all respects appropriate in the public interest and in the interest of investors and consumers and meet the applicable requirements and standards of the act and the rules and regulations thereunder and, if not, what terms and conditions should be imposed in the public interest or in the interest of investors and consumers.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-10742; Filed, Dec. 9, 1948; 8:46 a. m.]

[File No. 811-279]

EMPIRE POWER CORP.

NOTICE OF RENEWAL OF APPLICATION, STATEMENT OF ISSUES, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of December A. D. 1948.

Notice is hereby given that Empire Power Corporation (Empire) has renewed its application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Empire has ceased to be an investment company within the meaning of the act. Empire had requested postponement of any further action by the Commission on the application pursuant to the original notice of application, dated September 8, 1947, until disposition of a stockholder suit against the management of Empire for an accounting under section 10 (b) of the Securities Exchange Act of 1934 and rules thereunder, instituted in the United States District Court for the Southern District of New York. The complaint alleged that profits were realized from purchases of participating stock of Empire in contemplation of its dissolution. By court order, dated December 24, 1947, said action was discontinued without costs. Said action was thereafter settled upon payment of $12,000 by the defendants.

It appears from the application that the directors and common stockholders of Empire have duly voted to dissolve the Corporation pursuant to Article 10 of the Stock Corporation Law of the State of New York; that a certificate of dissolution was duly issued by the Secretary of State of the State of New York on January 24, 1945, and affidavits showing publication of such certificate were filed as required by law; that as of February 5, 1945, there were outstanding 175,585 shares of participating stock, of which 140,471 shares were held, together with all the outstanding common stock, by Eastern Seaboard Securities Corporation, a personal holding company of certain officers and directors of Empire; that on February 5, 1945, holders of the participating stock were advised of the dissolution of Empire, the distribution of its assets and the deposit in trust with a bank of cash equivalent to $43.62 per share in final distribution of their portion of the assets; that on January 28, 1947, holders of participating stock were further advised that as a result of litigation, it has been determined that they were entitled to an additional sum of $16.09809 per share, and that cash for said sum was deposited in trust with a bank.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

The Division of Corporation Finance of the Commission has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby without prejudice to the specifications of additional issues upon further examination:

(1) Whether Empire has ceased to be an investment company within the meaning of the act;

(2) Whether it is necessary for the protection of investors to condition any order terminating the registration of Empire under the act by reason of:

(a) Any purchases by officers, directors or controlling stockholders of Empire, directly or indirectly, of participating stock from public investors in contemplation of the dissolution of Empire,

(b) Any profits made by such officers, directors or controlling stockholders in any such purchases;

(3) Whether it would be appropriate to condition any order by limiting such officers, directors or controlling stockholders in any such purchases to the actual consideration paid for such stock.

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 15th day of December 1948, at 1:00 p. m., eastern standard time, in Room 101 of the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the above-named applicant and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the Secretary

of the Commission, on or before December 13, 1948, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10743; Filed, Dec. 9, 1948; 8:46 a. m.]

[File No. 70-1998]

WINNIPISEOGEE LAKE COTTON AND WOOLEN MANUFACTURING CO. AND EASTERN NEW YORK POWER CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 6th day of December A. D. 1948.

Notice is hereby given that Winnipiseogee Lake Cotton and Woolen Manufacturing Company ("the Lake Company"), a New Hampshire corporation, and its parent, Eastern New York Power Corporation ("ENYP"), a New York corporation which is a subsidiary of International Hydro-Electric System, a registered holding company, have filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), wherein they have designated sections 12 (c) and 12 (f) of the act and rules U-42 (a), U-43 (a) and U-46 (a) thereunder as applicable to the proposed transaction. All interested persons are referred to said declaration on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

ENYP, which owns and operates certain hydro-electric generating stations in the State of New York, and owns and leases or holds for future development certain water power properties and sites in the States of New York and Maine, proposes to liquidate the Lake Company, a wholly-owned subsidiary, and to receive all the residual assets of said subsidiary as a liquidating dividend upon surrender to the latter of all its capital stock, being 700 shares of the par value of $100 each; and the Lake Company, which has heretofore sold its physical properties, consisting of certain lands, dams and other structures, together with water rights and easements, all located in the State of New Hampshire, to Public Service Company of New Hampshire, a non-affiliated electric utility company, and has ceased to do business and has no plans to continue in business, proposes to pay its current and accrued liabilities, to pay to ENYP its cash balance and other assets as a liquidating dividend in consideration of the surrender to it of its capital stock as aforesaid, and thereupon to seek dissolution pursuant to applicable laws of the State of New Hampshire.

ENYP will use the proceeds derived from said liquidation for construction and general corporate purposes. It is estimated that, in addition to a dividend of $140,000 declared by the Lake Company from its earned surplus payable on September 24, 1948, ENYP will receive a liquidating dividend of approximately $70,000.

Legal fees and other expenses are estimated not to exceed $1,150.

Declarants state that no State commission and no other Federal commission have jurisdiction over the proposed transaction. They ask that their declaration become effective as soon as possible.

Notice is further given that any person may, not later than December 15, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 15, 1948 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10741; Filed, Dec. 9, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 227]

HIROMI ISHIDA ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and Notice of Intention to Return having been published on October 15, 1948 (13 F. R. 6072)

It is ordered, That the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Hiromi Ishida, 1741 Lanakila Road, Honolulu, T. H., 29119, $395.67.

Yone Ishida, 1741 Lanahila Road, Honolulu, T. H., 29120, $486.74.

Mrs. Kiku Sugita, P. O. Box 3288, c/o W. F. Dillingham, Honolulu, T. H., 29171, $238.41.

Tome Yanagihara, 765 Phohukaina Street, Honolulu 13, T. H., 29181, $3,548.91.

Tatsuo Yamamoto, 644-A Auahi Street, Honolulu, T. H., 29184, $1,720.67.

Mitsuko, Ariki (Mitsuru Ariki), 1820-C Dole Street, Honolulu, T. H., 13755, $857.32.

Yasuichi Asari or Haruko Asari, 444 Halemauman Road, Honolulu, T. H., 13756, $591.18.

Mrs. Asayo Fujiwara, 1313 Kahanu Street, Honolulu, T. H., 13760, $358.18.

Kaichi Kaya, 824 Puuhale Road, Honolulu, T. H., 13770, $1,278.75.

Itsuzo Kunishige, Box 277, Ewa, Oahu, T. H., 13772, $298.10.

Jingo Mizokami, guardian of Sumako Mizokami, 2715 Waiaka Road, Honolulu, 36, T. H., 13778, $685.81.

Umeno Momotomi, guardian of Fumiko Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13779, $219.54.

Umeno Momotomi, guardian of Shigeto Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13780, $216.53.

Chiyoka Nishimura, 3132 Harding Avenue, Honolulu 41, T. H., 13782, $3,445.33.

Masao Okamoto, 2714 Kaaka Street, Honolulu, T. H., 13784, $1,722.71.

Keiichi Onishi or Teruko Onishi, 4321-A Waialae Avenue, Honolulu 55, T. H., 13786, $353.21.

Gihachi Orikasa, 1672 Lusitana Street, Honolulu, T. H., 13787, $1,911.42.

Fuki Tanno, Waikane, Kaneohe, Oahu, T. H., 13796, $515.27.

Masa Kaneshima (formerly Maushi Kaneshima), 709-A S. King Street, Honolulu, T. H., 16142, $1,048.28.

Heizo Nambu, P. O. Box 7, Puhi, Kauai, T. H., 16159, $512.44.

Hatsuyo Okinaka, Kilauea, Kauai, T. H., 16161, $407.82.

Herbert M. Tanigawa, Sarah S. Tanigawa, Elsie S. Tanigawa, Miyoka Tanigawa, 1423 Dillingham Boulevard, Honolulu, T. H., 20874, $2,511.84.

Arata Fujikawa, 3280-C Round Top Drive, Honolulu, T. H., 29187, $316.07.

Mrs. Kumayo Hirao, P. O. Box 1162, Honolulu, T. H., 29190, $1,012.94.

Kasaburo Kawasaki, 913-B Kaheka Lane, Honolulu, T. H., 29193, $470.42.

Kikuno Nishiyama, 347 Kuakini Street, Honolulu, T. H., 29199, $343.14.

Kuma Furubayashi, 3137 William Street, Honolulu, T. H., 29851, $631.73.

Kurajiro Kawamoto, Kipapa, Waipahu, Oahu, T. H., 29855, $2,119.88.

Koshin Nakama, 3767 Kanaina Avenue, Honolulu, T. H., 29862, $1,081.29.

Yono Orikasa, 1672 Lusitana Street, Honolulu, T. H., 29868, $1,005.25.

Koji Date, 1166 Fort Street, Honolulu, T. H., 30329, $244.52.

Kuma Inoue, 1418 University Avenue, Honolulu 33, T. H., 30336, $443.66.

Heishin Kaneshiro or Tomi Kaneshiro, Waiahole, Oahu, T. H., 30339, $224.95.

Kise Arizumi, 1917-B Dudoit Lane, Honolulu 42, T. H., 32327, $363.97.

Jitsuo Fujiwara, 1230-A Richard Lane, Honolulu 45, T. H., 32330, $235.00.

H. Shimamura, 1104 Palama Street, Honolulu 7, T. H., 32349, $466.28.

Motoo Ueda, 1925-A Citron Street, Honolulu, T. H., 32354, $357.11.

Miyoji Watanabe, P. O. Box 127, Waipahu, Oahu, T. H., 32355, $533.41.

Chieko Hamada, 1547 Nuuanu Avenue, Honolulu, T. H., 37250, $239.16.

Sho Komamura,[1] P. O. Box 193, Aiea, Oahu, T. H., 37264, $1,748.53.

Keizo Morimoto, 915 Olii Road, Honolulu, T. H. 37274, $1,418.20.

Michi Moriguchi, 614-A Capt. Cook Avenue, Honolulu 6, T. H., 37275, $734.55.

Seichiro Tsurumaki or Kin Tsurumaki, 1742 Algaroba Street, Honolulu, T. H., 37300, $852.25.

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[1] Or Miyomatsu Komamura, deceased.

Sibyl Davis, administratrix estate of Natsu Teramoto, deceased, Judiciary Building, Honolulu, T. H., 11552, $34.34.

Executed at Washington, D. C., on December 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10755; Filed, Dec. 9, 1948; 8:53 a. m.]

BRUNO LUNEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Bruno Lunel, Florence, Italy; 6175; $6,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on December 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10756; Filed, Dec. 9, 1948; 8:52 a. m.]

[Vesting Order 12453]

DR. M. DE RUYTER

In re: Bonds owned by Dr. M. De Ruyter. F-28-24576-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. M. De Ruyter, whose last known address is Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) Province of Buenos Aires External Sinking Fund 3% Dollar Bonds of $100.00 face value each, bearing the numbers C 2264 and C 2265, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F88517, entitled H. F. Heye a/c Anglobank, together with any and all rights thereunder and thereto, and

b. Four (4) Province of Buenos Aires External Readjustment Sinking Fund 4⅛% Dollar Bonds of $1,000.00 face value each, bearing the numbers M 11200 to M 11203, inclusive, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F88517, entitled H. F. Heye a/c Anglobank, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dr. M. De Ruyter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10757; Filed, Dec. 9, 1948; 8:51 a. m.]

[Vesting Order 12457]

KONTOR DER REICHSHAUPTBANK FUER WERTPAPIERE

In re: Securities owned by Kontor Der Reichshauptbank Fuer Wertpapiere. F-28-26467-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kontor Der Reichshauptbank Fuer Wertpapiere, the last known address of which is Effectenkasse, Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled "Brown Shipley & Co. Ltd., Founders Court, London, Sub Account Brown Harriman & Co. Ltd., Sub Account 134," together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kontor Der Reichshauptbank Fuer Wertpapiere, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

BONDS

Description of issue	Bond Nos.	Face value
City of Leipzig, Germany, 7% sinking fund gold bonds.	M437	$1,000
	M438	1,000
	M440	1,000
	M441	1,000
	M442	1,000
	M1647	1,000
	M126	1,000
	M127	1,000
	M128	1,000
	M129	1,000
	M130	1,000
	M436	1,000
City of Carlsbad municipal extension loan 8% 30-year sinking fund gold bonds.	M976	1,000
	M979	1,000
Bavarian Palatinate Consolidated Cities extension loan 7% serial gold bonds.	M3230/36	[1] 1,000
	M2775/9	[1] 1,000
German extension loan 1924 7% gold bonds.	C095922	1,000
	C080449	1,000
	C069864	1,000
	C040540	1,000
	C040537	1,000
	C038709	1,000
	C038708	1,000
	M5161	1,000
	M6594	1,000
	M10754	1,000
	M11993	1,000
	M 6609	1,000
	M6610	1,000
	M3599	1,000
North German Lloyd sinking fund bonds.	M115	1,000
	M546	1,000
	M547	1,000
	M548	1,000
	M3594	1,000
	M4627	1,000
	M4628	1,000
	M4629	1,000
	M4630	1,000
	M4631	1,000

[1] Each.

[F. R. Doc. 48-10758; Filed, Dec. 9, 1948; 8:52 a. m.]